

Potential Items for Discussion w/Dave Ross and Lee Forsgren – September 2020

Kudos:

- Region 8's Water Division management and staff would like to thank your staff within OGWDW for their leadership and diligence in ensuring timely proposed and final rulemaking for approving UIC Class VI primacy for Wyoming. Due in large part to their exceptional efforts, the EPA Administrator was able to sign the final rule within seven months of Region 8's receipt of a final primacy application from the State.
- Appreciate the work that the HQ's 401 team has done to develop implementation guidance and answering questions on the new rule. This was a subject of our State Water Director's meeting last week and the states have a lot of questions and concerns on the new process. Specific people who have been helpful include Mike McDavitt, Lauren Kasperek, and Emma Mashcal.
- We appreciate the support of Damaris Christiansen and Lauren Kasperek for presenting to the RTOC, the State Environmental Directors, and the State Water Directors on the Navigable Water Protection Rule and 401 Rule.
- Region 8's NPDES permitting program thanks Ross Brennan and his team for their engagement with the regions on the National Permitting Oversight Policy and what it means for NPDES.

Question:

- Anything Dave/Lee can share on the OW realignment? Timing, need for additional staff, etc.

Upcoming actions in R8:

- Dewey Burdock permitting –
 - If you haven't already, you may want to share that we were able to reach resolution with NRC on the Class III permit requirements. Douglas Minter is working with NRC staff on talking points for both agencies that outline that we are not creating undue duplication of permit requirements and our intention is to work closely with NRC if we should encounter the situation where additional remediation within the exemption zone is needed to ensure USDW are not impacted.
 - We intend to finalize the permits by the end of October. It is likely that the Oglala Sioux Tribe will argue that we have not completed consultation; the Tribe has cancelled our last two consultation meetings.
- We are working with WDEQ on a watershed NPDES permitting approach for O&G dischargers to the Boysen Reservoir watershed. This may require some additional contractor support on modeling. If so, we may be reaching out to OW to explore funding as WY's fiscal outlook is pretty bleak and it is unlikely they will be able to provide any funds to support this work.
- R8 is preparing a response to a letter sent to the Administrator and the State Department Director of the Office of Canadian Affairs by four cities in Minnesota. They object to nutrient water quality objectives proposed by the International Joint Commission for the Red River of the North. The river flows along the ND/MN boundary north to Lake Winnipeg. The letter expresses concerns that the IJC exceeds its authority, the objectives are unnecessary and warns of possible economic impact. The cities seek EPA and DOS oversight of the IJC's implementation of the Boundary Waters treaty and a meeting to discuss their concerns. Region 8 has been a long-time

member on the International Red River Board under the IJC and was asked by OITA for assistance with the response. We are coordinating the response with OST, OITA and Region 5. Our response will make distinctions between the IJC's non-binding goals and state-derived water quality standards and effluent limits subject to CWA requirements.